

Regular Council Meeting
November 14, 2016 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers Darren Tynan, Caleb Strickland, David Newby, Scott Grassl and John Davis with Mayor Bill Cunningham presiding.

Absent: Kelly Vance

Also present: City Clerk Carol Eddington, City Attorney Rick Tucker, Deputy Clerk Renee Cochran, Officer Joe Royer, Elizabeth Gravett, Kent Wagner, Paula Kern, Larry Richardson, and Katie Sinclair.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Kent Wagner, 1st Christian Church, gave the opening prayer and Davis led the Pledge of Allegiance.

RESIGNATION

City Attorney Rick Tucker announced that he would be retiring at the end of the year, effective December 31st. Council asked if he had any recommendations for a replacement. He suggested the city check with Lucas Nodine. After some additional discussion the Council thanked him for his years of service. Tynan made a motion and Strickland seconded to accept his resignation with regret. Motion carried.

PETITIONS AND DELEGATIONS

Smoke Detector Program – Kathleen Sinclair

Kathleen Sinclair attended the meeting to let Council know that she is working with the Fire Department to get a program started where the fire department would provide smoke detectors, batteries and installation for those who do not have them in their homes. The program would raise fire safety awareness along with giving away 50 smoke detectors and 36 batteries each November in memory of the three lives lost last year in Oswego in a house fire.

Clerk Eddington reported that she had spoken to Chief Strickland and he said they already do this for people, just not on a large scale. Chief Strickland said the department has some on hand now. He also said that the Fire Department guys said they would volunteer to install the smoke detectors on a couple of Saturdays. The Department is looking into a grant that they could get for smoke detectors in the future.

Sinclair said she had originally planned to ask the city to get the program started by donating the first 50 smoke detectors and batteries. However, since then, she has had someone volunteer to make that donation. She has worked out an agreement with Denton's to purchase the detectors for \$4 each and a 12 pack of batteries for \$20. She was also requesting that the Council approve using the sign at the caboose to place a message on Nov. 21st asking everyone to check their smoke alarms and batteries. The Council was very much in favor of the program and said they would like to donate an additional 50 smoke detectors and the batteries and would make sure the school knew they were in favor of putting a fire safety message on the sign. Newby made a motion and Davis seconded to approve the purchase of 50 smoke detectors and 3 packs of batteries from Denton's. Motion carried.

CITY ATTORNEY

Ordinance – Mowing Assessments

AN ORDINANCE MAKING AND LEVYING A SPECIAL TAX UPON ALL LOTS AND PARCELS OF GROUND IN THE CITY OF OSWEGO, KANSAS FOR THE COST AND EXPENSE OF MOWING IN SAID CITY THROUGH SEPTEMBER 19, 2016 was presented for approval. The ordinance covers unpaid mowing charges through September 19, 2016. Tynan made a motion and Newby seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance number 1372

Ordinance – Standard Traffic Ordinance (STO)

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OSWEGO, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2016, PROVIDING CERTAIN PENALTIES, AMENDING SECTIONS 14-101 through 14-105 OF THE CODE OF THE CITY OF OSWEGO, KANSAS was presented for approval. The Standard Traffic Ordinance is prepared by the League of KS Municipalities and adopted on an annual basis. Clerk Eddington stated that the only change that the Police Dept. has made to the Standard Traffic booklet is to delete the section on work-utility vehicles since the city has that covered in a separate ordinance. Tynan made a motion and Davis seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance #1373.

Ordinance – Uniform Public Offense Code (UPOC)

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OSWEGO, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2016, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AMENDING SECTIONS 11-101 AND 11-102 OF THE CODE OF THE CITY OF OSWEGO, KANSAS was presented for approval. The Uniform Public Offense Code is prepared by the League and adopted on an annual basis. Clerk Eddington stated that the city has made a couple of amendments to the Code as noted in the ordinance. These are the same changes the city has included for a number of years. Tynan made a motion and Grassl seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance #1374.

CONSENT AGENDA

The Consent Agenda including minutes from regular and any special meetings, accounts payables check registers for the month, payroll checks and utility deposit refund checks for the month were presented. (Copies of the warrants were available for review).

Mayor Cunningham asked for any additions or corrections to the Consent Agenda. Clerk Eddington requested an addition be made to include two checks; one for \$3,000 to the Oswego Golf Course for the management fee and the second to LKM for \$46.99 to bind the Government Journals. These invoices came in after bills were processed. Newby made a motion and

Regular Council Meeting
November 14, 2016 6:30 p.m.
City of Oswego, KS 67356

Strickland seconded to approve the Consent Agenda with the addition of the two checks as requested. Motion carried.

OLD BUSINESS

325 Merchant Condemnation

Clerk Eddington reported that ACM Removal began asbestos removal on Nov. 8th at 325 Merchant. They said it will around take two weeks to complete. B-3 has already been notified so they can place the city's condemnation project back on their schedule to begin when ACM is finished.

Eddington stated the city will pay \$25,756.80 for the asbestos removal and the State of Kansas, Brownfields Program will pay \$25,000. The Council commended Clerk Eddington and Mayor Cunningham for their efforts to find the supplemental funding for the asbestos removal.

Downtown Demo Bond Issue

A bond ordinance and resolution prepared by Bond Counsel, Kevin Cowan, was presented for approval. Last month, Council determined to move forward with the bond issue in the amount of \$150,000. The ordinance and resolution amends the original ordinance to include the condemnation and demolition of 325 Merchant and authorizes the sale of the bonds.

Strickland made a motion and Davis seconded to approve the Resolution. Motion carried. Clerk assigned the Resolution #11-14-16A. Davis made a motion and Tynan seconded to approve the bond ordinance. Motion carried. Clerk assigned the Ordinance #1375.

Condemnation – 404 Wisconsin

Last month Council set the deadline for the owner to have the out building at 404 Wisconsin to be demolished by November 23rd. Clerk Eddington asked Council if they would like the bid notices sent out that day if the owners don't have the work done. That way the bid results could be back in time for the December 12th Council meeting. Council agreed.

Clerk Eddington also said that the other building in the back yard of this property was not included in the initial condemnation write up, however, with no door or windows, it is condemnable. She asked Attorney Tucker if the city could include the building in the demolition if the property owners would give their permission. Attorney Tucker said yes and is preparing a form for the owners to sign. Eddington asked Council if they wanted to include this building in the bid notice for demolition - if the city obtains the owner's permission. Strickland made a motion and Newby seconded to include the additional structure in the condemnation if possible. Motion carried.

Downtown Business Façade Program

Clerk Eddington reported that she and the Mayor had met with the Chamber President & Treasurer to discuss the Downtown Business Façade Program. They were receptive to the Chamber taking the lead on the program and assembled a Committee comprised of Chamber members, the Mayor and a couple of Council members. The first meeting of the Committee was

Regular Council Meeting
November 14, 2016 6:30 p.m.
City of Oswego, KS 67356

held Nov. 9th wherein they worked on a draft of the brochure, including the application. A copy of the brochure was included in the packet for Council to review.

The program is to assist business owners who wish to make improvements to the facades of their buildings. With the city celebrating its 150th birthday in August 2017, the Committee determined that the work should be completed by August 1, 2017. The program will begin January 1st, 2017, with applications being accepted January 1st through March 1st. The grant amounts of a minimum of \$500, to a maximum of \$1500, will be awarded by March 15th. Applications will be rated using a point system.

The Committee wanted to see whether the Council had any suggested changes to the minimum and maximum grant award amounts since it was city money that would be funding the project and there is no way of knowing how many will participate in the program. The Committee also had a question as to whether the applications should be restricted to Chamber members only or open to everyone but Chamber members receiving more points than non-Chamber members.

Mayor Cunningham had previously asked Council to consider utilizing the proceeds from the sale of the building at 408 Merchant - \$25,322.20. Considering the fact that the program is open to not only downtown businesses but businesses along the highway, Council thought they should make available all of the proceeds of the sale of 408 Merchant and made no suggested changes to the grant award amounts.

After further discussion, it was Council consensus to open the application process up to any eligible business but to award extra points for being a Chamber member. It was also suggested that the length of time the business had been a member could be considered. They also felt that a corner lot should be able to apply for additional funding as long as work is being done to the facade on both portions of the building.

Strickland made a motion and Davis seconded to use the funds from the sale of 408 Merchant to fund the project. Motion carried. Davis said that he had talked to some of the businesses downtown about the program and had a lot of positive comments. He thought not using tax dollars would be well received. The Mayor said that it would be good to remind businesses that the County Appraiser had said that painting and general maintenance won't raise property taxes.

Clerk Eddington said that the Chamber plans to take the applications door-to-door. She also reported that she has received word from Westar that they will be painting the downtown streetlight poles before the end of the year and the Parks & Community Foundation is looking at painting the downtown flower planters in the spring of next year.

Zoning Regulations – Shipping Containers as Building Materials

At the October Council meeting, Council asked for the Planning Commission to do further research and make a recommendation to the Council as to whether they thought it was a good idea to allow shipping containers as building materials for residences. After additional research

and discussion on the matter, the Planning Commission is recommending no change to the zoning regulations at this time. They based their recommendation upon these facts:

- The Governing Body does not want these containers to be used for storage
- There is currently no one requesting to use them for construction of a residential home
- The expense to the taxpayers for revising the regulations is pretty high for making these changes that may never benefit anyone.
- The staff time and P&Z time that would be involved in researching and putting together the recommended regulations for proper construction and aesthetic considerations would be considerable.
- Reports from an insurance company that insurance for such a structure would have to come from other than the “standard market” and would be expensive. Their company wouldn’t even insure them.
- Banks will not lend on a project without insurance and one of the banks contacted said the borrower would have to be a good customer already for them to consider lending on this type of a structure.

The Council agreed with the Planning Commission’s recommendation. No action was taken.

NEW BUSINESS

Condemnations

Council viewed the Enforcing Officers Report, Resolutions and photos for three properties that the Code Enforcement Officer and City Superintendent believe are most in need of repairs or condemnation along the city’s most traveled routes.

- 2108 4th – Jan Wimp, owner - (on 4th headed to the Co-op)
- 2212 4th – Judy Wilson, owner - (on 4th headed to the Co-op)
- 123 Union – Richard Thompson, owner - (NW corner of 2nd & Union St.)

Clerk Eddington stated that there is a total of \$15,200 in Capital Improvements and the General Fund budget to use for condemnations this year. That figure does not include what it will cost to demolish the building(s) at 404 Wisconsin. Also, the city should hold back enough for an emergency condemnation should one arise such as a burnt house with no insurance or a structure that becomes dangerous due to storm damage, etc. What is not used out of the budgeted amount for this year can be transferred into Capital Improvements to be used for condemnations next year.

Clerk Eddington said Supt. Jurgensen had recommended using a cost estimate of \$5,000 for each condemnation. Estimating the expense at 404 Wisconsin, adding in the amount budgeted for condemnations in 2017 and holding back a reserve of \$6,000 would leave an available balance of \$14,200. Several members of the governing body said that they have been hearing a lot of positive comments from the public about the efforts to clean up the dilapidated properties. After some discussion the Council agreed that they wanted to pursue all three properties. Strickland made a motion and Davis seconded to approve all three Condemnation Resolutions. Motion carried. Clerk assigned the Resolutions Numbers; 11-14-16B, 11-14-16C and 11-14-16D. The resolutions set the Public Hearing on these properties for January 9, 2017.

Regular Council Meeting
November 14, 2016 6:30 p.m.
City of Oswego, KS 67356

New Signs – Riverside Park, Danny Elliott Park, Mathews Park & Ted Watts.

A cost estimate of \$2,890 from Wright Signs for new signage was presented for Council consideration. Council viewed mock ups of a couple of the proposed signs. Clerk Eddington stated that if the Council is interested in pursuing the project based upon these figures, Supt. Jurgensen would begin working with Wright on more options. Wright Signs can do a wood look background for the sign at Riverside Park which would look similar to the sign at Big Buck Outfitters hunting lodge.

The signs can be purchased out of Sales Tax, Parks funds. Currently, there is a balance of \$82,429 in this fund. Supt. Jurgensen has said the city workers would build the frames for the signs to keep the cost down. Council consensus was to go ahead and get more detailed mock ups and suggested making the sign for Ted Watts larger than what the dimensions on the quote. They wanted it to be a more substantial sign.

INDIVIDUAL REPORTS

Stickland – said the Toy Drive/ Poker Run was not well attended or organized. It appears only 20-25 bikers participated and there wasn't much of a car show. There did seem to be quite a bit of interest in the bands performing at the Crossing. He said he hoped the organizers will learn from their experience since this was their first year.

Davis – said he thought the new Downtown/Business Facade Program was a good initiative and appreciated Clerk Cochran's suggestion of a point system when selecting grant recipients.

Eddington – said the LMI Survey is at 26% so City Staff is going to start going door to door.

- said she and Code Enforcement Officer Brannin will be going tomorrow to look at properties that need to be written up for code violations. Nuisance letters will then be sent out. Brannin has reported that the code violations on some of the properties written up in 2015 were not enforced. Clerk Eddington stated that Brannin wants to make sure any properties that are written up are enforced so that the cities policies and staff remain credible. Strickland said that the Department Heads need direction from the Mayor.

- said Westar contacted the city about a planned outage on Wed, Nov. 16 at 3 am for 1-2 hours.

- said Trunk or Treat was a success. City employees put a lot of personal effort in to the event and represented the city well.

Mayor – discussed with the Council the office of City Attorney. After some discussion, consensus was to contact Lucas Nodine and see if he was interested.

Mayor Cunningham asked if there were any comments from the public on city business. There were none.

ADJOURNMENT

Regular Council Meeting
November 14, 2016 6:30 p.m.
City of Oswego, KS 67356

ADJOURNMENT

There being no further business Tynan made a motion and Strickland seconded to adjourn the meeting at 8:44 p.m. Motion carried.

Mayor F. W. Cunningham, Jr.

Attest:

Deputy City Clerk Renee Cochran